

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES ALLEN KINNEY, ) CASE NO.: C08-0489-RAJ-MAT  
Petitioner, )  
v. )  
JEFFREY A. UTTECHT, ) ORDER NOTING PETITIONER'S  
Respondent. ) MOTION TO WITHDRAW AND  
 ) DIRECTING RESPONDENT TO  
 ) RESPOND

Petitioner is a Washington state prisoner who has filed a pro se habeas petition, to which respondent has filed an answer. Petitioner's petition is noted for consideration by the Court on September 19, 2008. Petitioner recently filed a motion to withdraw the petition. (Dkt. No. 37). Petitioner did not include in the motion a noting date, as required by the Local Rules. Therefore, the Court does hereby ORDER as follows:

(1) The Clerk shall NOTE petitioner's motion to withdraw his habeas petition (Dkt. No. 37) for consideration by the Court on **September 19, 2008**. Respondent shall file a response no later than **September 15, 2008**. Petitioner may file a reply no later than **September 19, 2008**.

(2) The Clerk shall forward a copy of this Order to petitioner, to counsel for

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01 respondent, and to the Honorable Richard A. Jones.

02 DATED this 2nd day of September, 2008.

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04 Mary Alice Theiler  
05 United States Magistrate Judge

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